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1963 No.

**FACTORIES**

**The Mercury Processes Regulations 1963**

<i>Made - - - -</i>	1963
<i>Laid before Parliament</i>	1963
<i>Coming into Operation</i>	1963

The Minister of Labour by virtue of the powers conferred on him by sections 62, 76 and 180(6) and (7) of the Factories Act 1961(a) and of all other powers enabling him in that behalf, hereby makes the following special Regulations :—

**PART I**

**INTERPRETATION AND GENERAL**

*Citation and commencement*

1. These Regulations may be cited as the Mercury Processes Regulations 1963 and shall come into operation six months after they are made.

*Interpretation*

2.—(1) The Interpretation Act 1889(b) shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

(2) For the purposes of these Regulations, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say—

“appointed doctor” means a fully registered medical practitioner specially appointed under section 151 of the principal Act to be appointed factory doctor for the factory for the purposes of these Regulations or the appointed factory doctor for the district in which the factory is situated ;

“approved” means approved for the time being for the purposes of these Regulations by certificate of the Chief Inspector ;

“breathing apparatus” means—

(a) a helmet or face-piece which, in either case, is properly fitting and has necessary connections by means of which a person using it in a contaminated atmosphere breathes ordinary air, or

(b) any other breathing apparatus or respirator that is approved ;

“health register” means the register referred to in Regulation 14 ;

“mercury compound” does not include mercuric sulphide or any compound which is an explosive within the meaning of section 3 of the Explosives Act 1875(c) but, save as aforesaid, means any organic or inorganic compound of mercury ;

"mercury process" means any process, operation or work in which mercury or a mercury compound is liable to enter the atmosphere in the form of dust, fume, vapour, mist or spray ;

"the principal Act" means the Factories Act 1961.

(3) References in these Regulations to any enactment shall be construed as references to that enactment as amended by or under any other enactment.

#### *Application of Regulations*

3.—(1) Subject to paragraph (2) of this Regulation, these Regulations shall apply to all factories as defined in section 175 of the principal Act in which a mercury process is carried on or in which mercury or any mercury compound is stored.

(2) Nothing in these Regulations shall apply—

(a) to any factory in which mercury or a mercury compound is used or stored only in a sealed system or a container which, in either case, is totally enclosed ; or

(b) with respect to any excepted process specified in the Schedule to these Regulations.

(3) The provisions of these Regulations shall be in addition to and not in substitution for or in diminution of other requirements imposed by or under the principal Act.

#### *Exemption certificates*

4. The Chief Inspector may (subject to such conditions as may be specified therein) by certificate (which he may in his discretion revoke at any time) exempt from all or any of the requirements of these Regulations—

(a) any factory or part of any factory ; or

(b) any class or description of factories or parts thereof ; or

(c) any machine, plant, apparatus or process or any class or description of machines, plant, apparatus or processes ; or

(d) the employment of any person or any class or description of persons, if he is satisfied that the requirements in respect of which the exemption is granted are not necessary for the protection of persons employed. Where such exemption is granted a legible copy of the certificate, showing the conditions (if any) subject to which it has been granted, shall be kept posted in any factory to which the exemption applies in a position where it may be conveniently read by the persons employed.

## **PART II**

### **CONDITIONS AND METHODS OF WORKING**

#### *Restriction of exposure to mercury and mercury compounds*

5. Every mercury process shall be so conducted, and all plant, apparatus and equipment shall be so designed, as to restrict as far as reasonably practicable the extent to which persons employed are exposed to mercury or mercury compounds.

6.—(1) All reasonably practicable steps shall be taken to prevent any dust, fume, vapour, mist or spray (being dust, fume, vapour, mist or spray given off in any mercury process) from entering the atmosphere of any workplace, and where reasonably practicable such steps shall include—

(a) in the case of processes involving elemental mercury which are carried on over a workbench or table, arrangements whereby any such mercury

falling on to a workbench or table is immediately conducted into a water-sealed or other equally suitable receptacle ; and

(b) (except as provided in paragraph (2) of this Regulation) the carrying on of the process—

(i) in a total enclosure from which all persons are excluded ; or

(ii) where it is not reasonably practicable to use a total enclosure, in the maximum degree of enclosure that is reasonably practicable and with the provision and use of an efficient exhaust draught.

(2) Sub-paragraph (b) of paragraph (1) of this Regulation shall not apply to any process carried on over a workbench or table which does not involve the use of any mercury or mercury compound other than elemental mercury and in which elemental mercury is not heated to a temperature exceeding the general room temperature.

(3) Where reasonably practicable all mercury and mercury compounds not in use shall be so stored as to prevent the escape of any mercury or mercury compounds or of any dust, fume, vapour, mist or spray therefrom.

(4) Except as provided in Regulation 8, no person shall enter or remain in any room or confined space in which mercury or mercury compounds are present to such an extent as to be likely to be injurious to such a person.

7.—(1) All reasonably practicable steps shall be taken to prevent—

(a) any leakage or spill of mercury or mercury compounds ;

(b) any contact of mercury or mercury compounds with persons employed or their personal clothing ; and

(c) any contact of mercury or mercury compounds with any plant, apparatus or equipment (except to such extent as is necessary for the carrying on of any process or for purposes of transfer or storage) or with any workplace (including any furniture and fittings therein).

(2) In the event of any such leakage, spill or contact, cleaning or other treatment shall be performed as soon as practicable and by a suitable method so as to remove as far as practicable any hazard to persons employed arising therefrom except that the provisions of this paragraph shall not apply to any leakage, spill or contact within an enclosure (whether or not a total enclosure) provided in accordance with Regulation 6(1)(b) or on a bench or table having arrangements in accordance with Regulation 6(1)(a).

(3) It shall be the duty of all persons employed in any mercury process to report forthwith to a responsible person any leakage or spill of mercury or of a mercury compound to which the preceding paragraph of this Regulation applies.

#### *Personal protective equipment*

8.—(1) Adequate and suitable protective clothing shall be provided and properly maintained for the purpose of preventing so far as reasonably practicable any contact of mercury or mercury compounds with persons employed or their personal clothing. Protective clothing provided in accordance with this Regulation shall be cleaned or renewed when necessary.

(2) Notwithstanding the provisions of Regulation 6(4), where and to the extent it is necessary by reason of exceptional circumstances a person may enter or remain in a room or confined space in which mercury or mercury compounds are present in the atmosphere to such an extent as to be likely to be injurious to such person provided that when such person enters or while



he remains in any such room or confined space as aforesaid he is wearing a suitable breathing apparatus. Breathing apparatus shall be provided for the use of such persons as aforesaid and shall be properly maintained.

(3) Each breathing apparatus provided in pursuance of paragraph (2) of this Regulation shall carry a distinguishing mark indicating the person by whom it is intended to be used and no person shall wear or be required to wear a breathing apparatus not carrying his mark or a breathing apparatus which has been worn by another person and has not since been thoroughly disinfected.

(4) Suitable accommodation shall be provided and properly maintained for the storage of the personal protective equipment required to be provided under paragraphs (1) and (2) of this Regulation, which accommodation shall be separate from that provided for clothing not worn during working hours.

#### *Duties of persons employed*

9.—(1) It shall be the duty of every person employed to make proper use of the protective equipment and accommodation provided for his protection in pursuance of Regulation 8 and to report without delay to the occupier, manager or other appropriate person any defect in, or loss of, any such protective equipment.

(2) Every person employed who has been engaged in a mercury process, shall, immediately on ceasing to be so engaged and before partaking of food or drink or making use of tobacco, remove his protective clothing and deposit it in the accommodation provided in accordance with Regulation 8(4) and wash thoroughly those parts of his skin which have been exposed to mercury or mercury compound, or to any dust, fume, vapour, mist or spray therefrom.

(3) No person employed shall introduce food or drink into those parts of the factory in which any mercury process is carried on, or shall keep, prepare or partake of food or drink or make use of tobacco in any such parts.

#### *Maintenance and examination of exhaust plant*

10.—(1) All ventilating plant used for the purpose of extracting or controlling dust, fume, vapour, mist or spray (being dust, fume, vapour, mist or spray given off in any mercury process) shall be properly maintained.

(2) All such ventilating plant as aforesaid shall be thoroughly examined and suitably tested by a competent person at least once in every period of six months; and particulars of the results of every such examination and test shall be entered in a register which shall be available for inspection by any person employed affected thereby. Any defect found on any such examination and test shall be immediately reported in writing by the person carrying out the examination and test to the occupier, manager or other appropriate person.

#### *Floors, benches, tables and seats*

11. All floors, benches, tables and seats in every workplace in which any mercury process is carried on shall be of sound construction and properly maintained, and shall have an impervious surface which can be easily and effectively cleaned.

#### *Washing facilities*

12.—(1) The washing facilities provided in pursuance of section 58 of the principal Act for the use of persons employed in any mercury process shall so far as is reasonably practicable be separate from any workroom

and shall include a sufficient supply of suitable nail brushes, and the running hot and cold or warm water so supplied shall be laid on—

- (a) to wash basins (fitted with a waste pipe) of which there shall be at least one for every five persons ; or
- (b) to a trough with smooth impervious surface of such length as to allow at least two feet for every five persons and fitted with suitable taps or jets at intervals of not more than two feet and with a waste pipe without plug.

For the purposes of this provision every fraction of five shall be reckoned as five.

(2) In addition to the regular mealtimes every person who has been employed in any mercury process shall be allowed sufficient time for washing before each meal and before the end of the day's work, on each day during which he is so employed.

### PART III

#### MEDICAL EXAMINATION

##### *Medical examination of persons for employment in mercury processes*

13.—(1) The first employment in any factory of a person shall not be continued for more than fourteen days unless either—

- (a) within the period of fourteen days immediately preceding his first employment, or
- (b) within the period of fourteen days beginning with the day of his first employment,

he has been examined by the appointed doctor and, by signed entry by the appointed doctor in the health register, certified fit for employment in mercury processes.

(2) In this Regulation the expression “first employment in any factory” means first employment in that factory in a mercury process or re-employment in that factory in a mercury process following any cessation of such employment in that factory for a period exceeding three months.

(3) The occupier shall arrange for every person employed in any mercury process to be examined by the appointed doctor at intervals of not more than one month (or at such other intervals as may be approved) so long as his employment in a mercury process continues.

(4) Any medical examination by the appointed doctor for the purposes of these Regulations shall (save in exceptional circumstances) take place at the factory and due notice of the examination shall be given by the occupier to those concerned. It shall be the duty of persons employed, or about to be employed, in any mercury process to submit themselves for examination by the appointed doctor at the appointed time.

##### *Health register*

14. A health register shall be kept containing the approved particulars of all persons employed in any mercury process and the appointed doctor shall enter in the health register the dates and results of his examinations of those persons.

##### *Appointed doctor's power of suspension*

15.—(1) The appointed doctor shall have power, to be exercised by written certificate in the health register signed by him, to suspend from employment in any mercury process any person examined by him under Regulation 13.

(2) No persons so suspended shall be employed in any mercury process without the written approval of the appointed doctor entered in the health register.

*Facilities for appointed doctor*

16. For the purpose of examinations conducted at a factory to which these Regulations apply, the occupier shall provide for the exclusive use of the appointed doctor on the occasion of the examination a room properly cleaned and adequately warmed and lighted and furnished with a screen, a table with writing materials and chairs.

Dated

1963.

Minister of Labour.

Regulation 3(2)

SCHEDULE

EXCEPTED PROCESSES

The processes referred to in Regulation 3(2) as being excepted from the provisions of these Regulations are the following, namely—

- (1) the handling of materials or articles treated with mercurial slimicides or fungicides ;
- (2) the use of mercury or mercury compounds for the purpose of chemical analysis, and their storage or transfer ancillary to such use ;
- (3) the use of mercury to form a gas seal ;
- (4) the use of control or measuring instruments containing mercury ;
- (5) the installation, overhaul, repair or transfer of any apparatus containing mercury where the temperature of the mercury is not raised above the general room temperature and such work is not carried on in the factory or by the same person in more than one factory, during a total of more than ten hours in any period of four consecutive weeks of which period of ten hours not more than five hours shall be in any week ; and
- (6) the handling for less than one hour in any week of mercury or mercury compounds, other than ethyl or methyl mercury compounds, for any purpose other than the manufacture of articles consisting of or containing mercury or mercury compounds.

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EXPLANATORY NOTE

*(This Note is not part of the Regulations, but is intended to indicate their general purport.)*

These Regulations make provision for the safety, health and welfare of persons employed in factories in which any mercury process is carried on or in which mercury or any mercury compound is stored.

Printed in England and published by  
HER MAJESTY'S STATIONERY OFFICE: 1963  
EIGHTPENCE NET